

# **IMMIGRATION AND NATURALIZATION SERVICE DEFERRED INSPECTIONS AT AIRPORTS**

## **EXECUTIVE SUMMARY**

The mission of the INS includes facilitating the entry into the United States of citizens and persons legally admissible as visitors or as immigrants, and preventing the unlawful entry by those who are not entitled to admission. Over 75 million individuals are inspected annually at U.S. airports for potential admission into the United States. In FY 2000, the INS inspections budget was about \$500 million, funded primarily through the Immigration User Fee that is assessed on all passengers arriving in the U.S. aboard a commercial aircraft from a foreign location.

Individuals seeking entry into the U.S. are required to pass through a primary inspection where inspectors examine documents, perform immigration and customs database queries, and question travelers. When additional examination is required, individuals are sent to secondary inspection. We estimate that 1 million individuals are referred for secondary inspection annually. If an immediate decision regarding admissibility cannot be made at secondary inspections, INS inspectors have the discretion to defer the inspection. The individual is then paroled into the country and must report to the appropriate INS district office at a later date to complete the inspection. Of those individuals referred to secondary, we estimate that approximately 10,000 inspections were deferred during our 1-year review period. While deferred inspections represent a small percentage of total airport inspections, we found that the INS failed to track these inspections to completion or to penalize individuals who fail to appear.

Our audit assessed whether: (1) the deferred inspection process could be improved, (2) management controls and oversight were adequate, (3) inspectors followed established deferral procedures for granting and completing deferred inspections, and (4) inspectors took appropriate follow-up action when individuals did not show up for deferred inspections. To achieve these objectives we reviewed applicable laws and regulations, manuals and memoranda; interviewed responsible INS personnel; and tested INS practices by examining a statistical sample of 725 deferred inspection cases. Our analysis of the statistical sample involved a review of nine U.S. airports and their related district offices. The deferrals issued at the nine airports reviewed represented 70 percent (7,443 of 10,665) of all deferrals granted during our review period.

We found that nearly 11 percent (79 of 725) of individuals paroled into the country under the deferred inspections process failed to appear for the completion of their inspection. When projected to the universe of 7,443 deferrals, at least 652 and as many as 979 individuals did not appear for their deferred inspections. This is a conservative estimate, however, based on the fact that we were unable to determine the outcome of 20 percent (146 of 725) of the cases selected due to inadequate record keeping on the part of

the INS. When projected to the universe of 7,443 deferrals, at least 1,311 and as many as 1,724 individual's records were not available to enable a determination on whether the individual appeared for his or her deferred inspection.<sup>1</sup>

We found that adequate procedures were not in place to ensure that individuals who fail to appear are either brought in to complete their inspection or are appropriately penalized for failing to do so. Absent any clear procedural guidance, inspectors were largely left to their own discretion to determine appropriate actions when individuals failed to appear. The actions, when taken, failed to yield significant results. More often, however, no follow-up activity of any kind was initiated. The importance of follow-up action is evidenced by the results of our analysis, which revealed that among those who failed to appear, INS inspectors identified over 50 percent (42 of 79) as either having criminal records or immigration violations at the time of entry. Subsequent inquiries into criminal history databases revealed that nine of these individuals were either charged or convicted of crimes considered to be aggravated felonies after their deferral, making them subject to possible removal or deportation.<sup>2</sup>

We also found that controls were not adequate to determine the effectiveness of the deferred inspection process or, at the most basic level, the number of individuals deferred and the outcome of those inspections. We found that records maintained at airports and district offices were incomplete. Inspectors at all nine airports we visited destroyed deferral documentation after limited and varied retention periods. The paper-based tracking of deferred inspections was cumbersome and problematic in that it failed to provide an adequate service-wide system of tracking deferrals. As a result, inspectors were unable to detect parole violators and other repeat offenders upon their reentry into the United States.

Finally, we found that the INS has database systems capable of capturing and reporting the occurrences and outcomes of deferred inspections, but does not fully utilize them. Currently, the INS only collects and disseminates information regarding the number of inspections deferred, not the outcome of the inspections or whether the inspections even took place. Furthermore, the data on deferrals may be understated because 36 percent of deferred inspections in our sample were not entered into the database system used in generating reports. As a result, INS management relied on deferred inspection reports that were incomplete and inaccurate. Despite the lack of accurate data, the INS continues to publish deferred inspection data annually in the

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<sup>1</sup> The projections of our statistical sample are based upon a 95 percent confidence level. See Appendix III for the details of our statistical sampling model.

<sup>2</sup> Title 8 U.S.C. 1101(a)(43) defines aggravated felonies to include the following offenses: murder, rape, child pornography, narcotics trafficking, firearms trafficking, non-political crimes of violence (for which sentences of one year or more of incarceration are imposed, certain felonies (such as theft and burglary), and other qualified misdemeanors.

Statistical Yearbook of the Immigration and Naturalization Service, and INS management continues to rely on this inaccurate and incomplete data for program-related decision making and in budgeting for appropriated and user fee resources.

Our audit objectives, scope, and methodology appear in Appendix I. The details of our work are contained in the Findings and Recommendations section.

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## INTRODUCTION

The mission of the Immigration and Naturalization Service (INS) includes facilitating the entry into the United States of citizens and persons legally admissible as visitors or as immigrants, and preventing the unlawful entry by those who are not entitled to admission. The INS spends about \$500 million annually for its inspections program, funded primarily through the Inspections User Fee that is assessed on all passengers arriving in the U.S. aboard a commercial aircraft from a foreign location. According to the INS, over 75 million individuals are inspected at U.S. airports annually.

The inspection process at airports is a two-tiered system, with varying levels of inquiry.

- Primary inspectors determine identity, nationality, and admissibility of persons seeking entry to the U.S. by examining pertinent documents and performing database queries.<sup>3</sup> If the primary inspector determines that a more in-depth examination is required, the individual is referred to a secondary inspector. We estimate that 1 million individuals are referred for secondary inspection annually.
- Secondary inspectors have the authority to search without warrant the person and effects of anyone seeking admission when there is reason to believe that grounds for removal exist. Secondary inspectors can also access INS and other databases to aid in their determination of admissible persons. If an immediate decision regarding admissibility cannot be made based on the evidence available, secondary inspectors have the discretion to defer the inspection. The individual is then paroled into the country and directed to report to the appropriate INS district office, also referred to as the "onward office," to complete the inspection at a later date. Deferred inspections typically take place within two weeks of the date of deferral. We estimate that approximately 10,000 inspections were deferred during our 1-year review period.

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<sup>3</sup> The queries are used to search for alert notices posted in law enforcement databases citing individuals of interest to the INS and/or other law enforcement agencies.

## Overview of Deferred Inspections

The INS Inspectors Field Manual (IFM), Chapter 17.1(a) states that:

. . .when an immediate decision concerning admissibility cannot be made at a port-of-entry, the inspecting officer may defer inspection to the office having jurisdiction over the area where the alien will be staying. Often, deferred inspections are necessary in order to review an existing service file or some other documentary evidence essential to clarifying admissibility. Deferral may also be appropriate for adjudicating a waiver for document requirements for immigrants and nonimmigrants under § 211(b) or 212(d)(3) of the Immigration and Nationality Act. Deferral should always be for a specific purpose, not simply used as a way to transfer a difficult case to another office, and should normally only be used when it appears the case could possibly be resolved in the alien's favor. If an applicant is inadmissible, he or she should be given the opportunity to withdraw or should be processed for removal, not deferred.

## Statistical Sample of Deferred Inspections

In order to determine the effectiveness of the deferred inspection process, we examined a statistical sample of 725 inspections. Our review period for the sample covered deferred inspections granted from August 1, 1998 to July 31, 1999. In addition, we examined related cases through January 2001 to determine final disposition of the sample cases.

The statistical sampling universe for our model was defined as INS deferred inspections (sampling units) at nine airports ( [REDACTED] ). The defined universe contained 7,443 deferred inspections (sampling units) and represented 70 percent (7,443 of 10,665) of all deferrals granted at 62 airports during the period covered by our audit. Our sample test results were projected only to our defined universe. Our model did not contain the deferred inspections at foreign airports or smaller domestic airports (representing 30 percent of deferred inspections), and we did not project specific results to those airports. The statistical sample test results and projections are presented in Appendix III.

## **FINDINGS AND RECOMMENDATIONS**

### **1. WEAK CONTROLS OVER THE DEFERRED INSPECTION PROCESS ALLOWED INDIVIDUALS, SOME WITH CRIMINAL HISTORIES, TO EVADE INSPECTION**

Our statistical analysis of deferred inspections performed during our review period revealed that in 79 (11 percent) of the 725 cases reviewed, individuals paroled into the country failed to appear for their inspections. This is a conservative estimate, however, based on the fact that we were unable to determine the outcome of 20 percent of the cases selected due to the INS's incomplete record keeping. More unsettling was the fact that 42 of the 79 no-shows were identified as having criminal records or immigration violations by airport inspectors at the time of deferral. Based on queries of criminal history databases, nine individuals, subsequent to being deferred, were either charged or convicted of crimes considered to be aggravated felonies and may be subject to removal or deportation. We found that the INS took little or no follow-up action on the no-shows identified in our sample. This was caused, in part, by the fact that the INS lacked clearly defined procedures to ensure that individuals who fail to appear to complete their inspections were identified and appropriately penalized for failing to do so.

#### **Analysis of No-Shows and Unable-to-Determines**

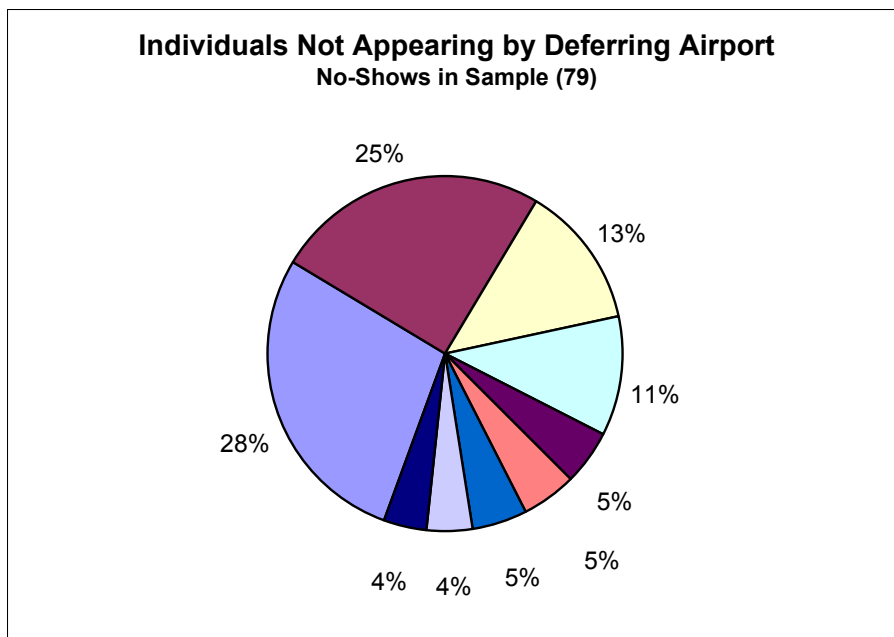
Based on our analysis of deferred inspections performed at 9 major U.S. airports, in 79 of the 725 cases reviewed,<sup>4</sup> or nearly 11 percent, the individuals paroled into the country under the deferred inspections process failed to appear for the completion of their inspection. We refer to these individuals as no-shows throughout the report. When projected to the universe of 7,443 deferrals granted during our review period, our analysis indicates that at least 652 individuals paroled into the country failed to appear for their inspection. This is a conservative estimate, however, based on the fact that we were unable to determine the outcome of 146 or 20 percent of the cases selected due to the INS's incomplete record keeping. Projected to the universe of 7,443, we estimate that at least 1,311 cases were not sufficiently documented.

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<sup>4</sup> Of the 725 deferrals in our sample, 500 individuals appeared for inspection and 79 were documented no-shows. We were unable to determine the disposition of the remaining 146. Of the 500 individuals who appeared, 395 were admitted, 4 were removed, 9 voluntarily withdrew application for admission, 47 were still pending (including those paroled), 33 were placed into deportation proceedings, 9 appeared but the outcome could not be determined by the INS, and 3 were categorized as "other."

Our analysis also revealed a possible relationship between the reasons for deferral and the likelihood that individuals would not appear for inspection once deferred. Of particular interest were deferrals with criminal records, as well as deferrals with alerts or “lookouts” posted on law enforcement databases. We determined that while these two categories comprised 26 percent (186/725) of our sample, they accounted for over 50 percent (42/79) of all no-shows.

Further analysis revealed no-shows at all 9 locations that we tested. However, three locations accounted for two-thirds of total no-shows: ██████ (20/79 or 25 percent), ██████ (22/79 or 28 percent) and ██████ (10/79 or 13 percent). This may be caused, in part, by the volume in international traffic and frequency of deferrals at these airports. Another potential factor is the fact that ██████ have a local policy, requiring criminal history database checks on all individuals referred to secondary inspection. Inspectors in ██████ go one step further by using the National Crime Information Center Interstate Identification Index<sup>5</sup> (NCIC III) to identify from pre-flight passenger manifests any non-U.S. citizens with criminal records who are en route to the U.S. As a result, aliens with criminal histories are more likely to be identified as such when seeking entry through these airports.



Individuals with criminal records seeking entry into the U.S. may or may not be admissible. Inspectors must take into consideration a number of factors, including the individual's immigration status, the type of crime committed, whether the charge resulted in conviction, and in some instances, the length of the prison term imposed. Although inspectors have access to federal and state criminal-justice databases, those databases do

<sup>5</sup> NCIC III provides inspectors access to criminal history records of participating individual states.



not always contain up-to-date information on conviction and sentencing. In such instances, airport inspectors may defer the inspection to allow individuals to present certified copies of court dispositions at the onward office. Based on a review of the court dispositions, inspectors then can admit the individuals or schedule them for removal or deportation proceedings.

There were 108 cases in our sample identified by airport inspectors as having criminal records where database systems contained no conviction or sentencing records. INS inspectors deferred these individuals so that they could bring in certified copies of their court dispositions. Of the 108 criminal deferrals, 77 appeared for inspection and 23 were no-shows. We were unable to determine the outcome of the remaining eight cases because the INS lacked sufficient records.

In addition, there were 78 cases in our sample flagged as lookouts for immigration purposes or outstanding arrest warrants. Lookout instructions require airport inspectors to contact the appropriate law enforcement agency for further action. Ultimately, these individuals were deferred for further review. Of the 78 lookout deferrals, 43 appeared for inspection and 19 were no-shows. We were unable to determine the outcome of the remaining 16 cases because the INS lacked sufficient records.

We found that inspectors did take some precautions, although not consistently and with mixed results, to discourage the occurrence of no-shows. Deterrents used included taking fingerprints and photographs, as well as retaining travel documents such as passports, visas, and resident alien cards.<sup>6</sup> Of the 77 criminal deferrals who did appear for inspection, some type of deterrent was used in 48 of the cases, suggesting that these steps may have had the intended effect in some instances. However, these same steps were also taken on 14 of the 23 no-shows, indicating that stronger measures may be needed, such as requiring the posting of bonds.

While none of the no-shows in our sample were identified as aggravated felons at the time of their deferral, the results of criminal history database queries we obtained indicated that five of the no-shows were arrested and convicted of aggravated felonies after their deferrals. As a result, these individuals may be subject to removal or deportation. Their convictions included the rape of a child; criminal sale and possession of a controlled substance; and unlawful delivery, conspiracy, and possession of cocaine.

In addition to the no-shows, we also obtained criminal history data on the 146 “unable-to-determine” with arrest records. These records indicated that four of these individuals were arrested for or convicted of aggravated felonies after their deferrals. The charges or convictions for these individuals included unlawful sexual intercourse

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<sup>6</sup> Based on our statistical sample, when projected to our universe of 7,443 deferrals the INS did not use a deterrent for at least 3,185 individuals and as many as 3,636 individuals.

with minors by a registered sexual offender, fraud, and immigration violations. Appendix IV of this report contains the summary results of criminal history reviews of these individuals and the aforementioned no-shows.

### **Follow-up Actions**

Despite the risks inherent in this process, and the potential impact on communities at large, we did not find adequate procedures in place to ensure that individuals who fail to appear are either brought in to complete their inspection or appropriately penalized for failing to do so. Chapter 17 of the Inspectors Field Manual (IFM), “Inadmissible Aliens,” addresses deferred inspection policies and procedures but does not specifically address follow-up actions required for individuals who fail to appear for inspection.

Although 7 of 9 onward offices had their own local practices to help fill the procedural gaps, the results of our sample indicated that follow-up actions were initiated in only 20 of 79, or 25 percent, of the cases identified. Absent any clear procedural guidance, inspectors were largely left to their own discretion to determine appropriate actions to be taken. Those actions were sporadic and varied from sending notification letters to referring cases to the INS's Investigations Division. For example, we found in the [REDACTED] offices virtually no follow-up actions were taken against reported no-shows. The following table shows by onward office the frequency and types of follow-up activity performed.

## FOLLOW-UP ACTIONS BY ONWARD OFFICES ON NO-SHOWS

Port of Entry	No-Shows	# of No-Show Cases in which Follow-up Action Was Taken <sup>7</sup>	Follow-up Actions		Investigations		
			Letter <sup>8</sup>	Lookout	Referred	Started	Completed
■	4	1		1			
■	4	0					
■	4	0					
■	3	1		1			
■	20	2	2	1			
■	10	2	1	1	1		
■	22	8	6	6			
■	9	4	2		4	3	
■	3	2		1	1		
<b>Total</b>	<b>79</b>	<b>20</b>	<b>11</b>	<b>11</b>	<b>6</b>	<b>3</b>	<b>0</b>

We found that use of alert notices or lookout postings in law enforcement databases was underutilized at all of the offices reviewed. Lookouts were posted for only 11 of the 79 no-show cases. Current INS policy does not provide guidance on whether to post a lookout for an individual who fails to appear for a deferred inspection.

Referrals to INS Investigations were made for only 6 of 79 no-show cases. Of the six referrals to Investigations, three cases were initiated but none resulted in any completed actions. Current INS policy does not provide guidance to inspectors for making referrals to investigations for individuals who do not appear for completion of their deferred inspection.

## Conclusion

Based upon the projected test results of a random sample of 725 deferrals, we found that from our universe of 7,443 deferred inspections, at least 652 and as many as 979 individuals did not appear for their deferred inspection. This is a conservative estimate that does not include the outcome in as many as 1,724 deferrals because the records were not available for us to make a determination. While the overall number of deferred inspections may be small with respect to the 75 million annual airport inspections that the

<sup>7</sup> There may be more than one follow-up action performed on a particular case; therefore, the number of follow-up actions and/or investigations may exceed the number of cases.

<sup>8</sup> Letters were sent anywhere from the day of or up to six months after the failure to appear date.

INS performs, the public safety consequences can be serious. Airport inspectors identified a significant number of individuals in our sample as having criminal records or immigration violations at the time of deferral. Subsequent queries from criminal history databases revealed that several of these individuals were charged with or convicted of aggravated felonies after being deferred. The INS's failure to follow-up on no-shows has created an environment where individuals who do not appear for their inspection do so with virtual impunity. This threatens the integrity of the inspection process.

## **Recommendations**

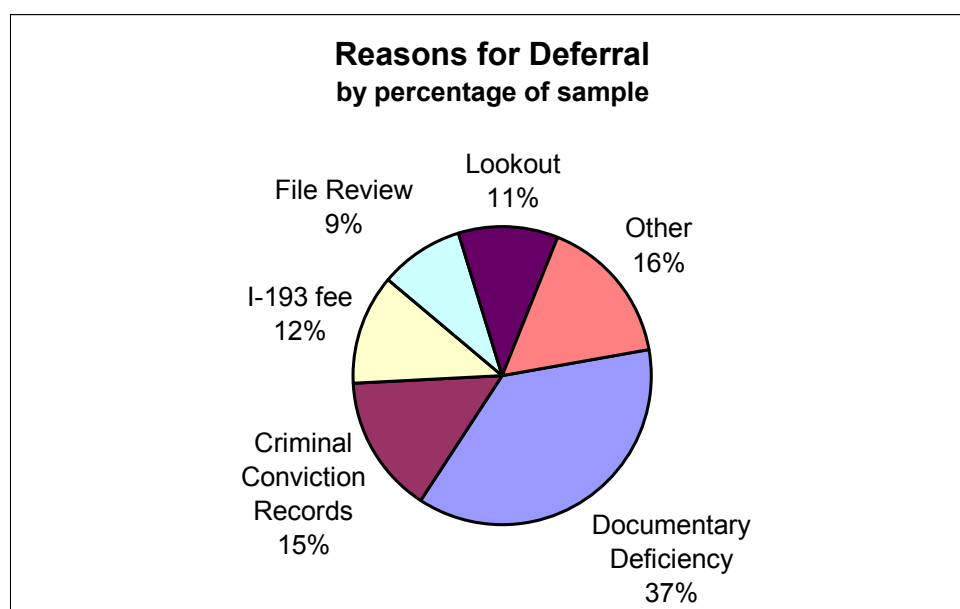
We recommend that the Commissioner, INS:

1. Establish policies and procedures for inspectors to follow when dealing with individuals with criminal records, to include fingerprinting and retaining travel documents as well as the posting of bonds, if warranted.
2. Establish policies and procedures to follow when individuals fail to appear for their deferred inspection. Such procedures should ensure that lookout-operating instructions include the posting of individuals who fail to appear.
3. Follow up on those individuals cited in Appendix IV of this report.

## 2. INCONSISTENCIES AND INEFFECTIVE PRACTICES MAR THE DEFERRED INSPECTION PROCESS

INS management did not adequately monitor the deferred inspection process. Controls were not in place to determine the effectiveness of the program or, at the most basic level, the number of individuals deferred and the outcome of those inspections. Ineffective and incomplete policies and practices mar the current operation and raise serious questions about the integrity of the deferred inspection process. Incomplete records were maintained at airports and onward offices, logs for deferrals were incomplete or nonexistent, and documentation was destroyed after a limited retention period. The existing process of tracking deferred inspections fails on many levels and has been left unchecked since its inception. For example, individuals who have previously violated their parole status by not appearing for inspection remain unidentified as such when seeking reentry. Without a service-wide tracking system that records the initial deferral and the outcome of the deferral, individuals who are inadmissible could reenter and remain in the country indefinitely.

Throughout our audit we noted an inadequate managerial presence over the deferred inspection process. This factor manifested itself in virtually all aspects of the process, including follow-up on no-shows as discussed in Finding 1 and the granting and tracking of deferred inspections as discussed in this finding. With regard to the latter, the lack of a comprehensive policy specific to deferred inspections has led to inconsistencies in local operating procedures, both between and within locations, and between airports and district offices. Illustrated in the following chart are the most frequently cited reasons for deferring an inspection.



## Granting Deferred Inspections

While deferred inspections represent a small percentage of total airport inspections, the number of inspections deferred may be larger than it should be. Inspectors at all nine onward offices visited commented on the large number of what they considered to be unnecessary deferrals. Although the IFM states that deferred inspections should not be used as a means to transfer difficult cases or to transfer work to another office, we estimated that about 30 percent of the sample cases (217 of 725) were deferred for questionable reasons.

For example, document deficiency was by far the most common reason for deferral accounting for 267 (37 percent) of the 725 deferrals in our sample. Deficiencies were related mostly to passports, visas, and resident alien cards. Questionable deferrals for document deficiencies were related primarily to legal permanent residents who were not in possession of their resident alien card because it had been lost, stolen or left at home (64 cases). The majority of these cases originated at [REDACTED] (33). In our judgment, once identity was confirmed in INS information systems, for these cases, most of the inspections could have been completed at the airport by either filling out an application for a replacement card or paying a document waiver fee (Form I-193).

In 89 (12 percent) of the 725 cases, deferrals were granted to pay the fee associated with the Form I-193 Waiver of Documentary Requirement for individuals with document deficiencies. This is a curious practice given that the waiver fee is usually charged *in lieu* of deferring the inspection. We noted that individuals who did not have the cash on hand were often deferred to the onward office to pay the waiver fee. In our judgment, these deferrals might have been avoided if debit or credit card payments were accepted and automated teller machines were made available in inspection areas.

Inspectors deferred 44 of the 725 cases for possible abandonment of residency.<sup>9</sup> The overwhelming majority of these cases, 30 (68 percent) of the 44, originated at the [REDACTED] airport, which may be an indication of inconsistencies between airports in the handling of these types of cases. In our judgment, these deferrals could have been avoided given that inspectors have the discretion to schedule individuals for an immigration hearing in such instances, rather than defer them.

Finally, airport inspectors at [REDACTED] used the deferred inspection process for criminal aliens arrested and taken into custody at the airport in 20 (3 percent) of the 725 cases in our sample. This is clearly not the use intended for the deferred inspection process. Since the individuals in question were taken into custody, there would be no reason for scheduling them for deferred inspections.

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<sup>9</sup> Abandonment of residency is discussed in detail on page 23.

## **Documenting Deferred Inspections**

The Form I-546 is the primary document used in authorizing and tracking deferred inspections. Airport inspectors use the form to initiate the deferred inspection process. When the form has been completed and the deferred inspection has been scheduled, airport inspectors forward the Form I-546 to the appropriate onward office. Inspectors at the onward office then use the Form I-546 to document the outcome of the inspection. Upon completion of the inspection, onward office inspectors return the Form I-546 to the originating airport where it is filed with a copy of the original Form I-546.

We found several problems associated with the I-546 paper process, one of which was that in spite of efforts by some onward offices to return the completed Forms I-546 to the originating airports, most airports made no attempt to retain or reconcile the port-of-entry copies with the onward office copies. Further compromising the system were inconsistent record retention policies for the Forms I-546 among the airports ranging from six months to three years. As a result, only 112 completed Forms I-546 were on file at the airports in our sample. When projected to the universe of 7,443, this indicates that at least 6,147 Forms I-546 were not retained.

In addition to the difficulties associated with the transfer of documents between offices, we found a problem with the forms themselves as well as inconsistencies in how the forms were completed. Pertinent items such as local addresses, phone numbers, dates of birth and country of birth are not required on the Form I-546. This information is crucial if an individual fails to appear and follow-up action is required. Some inspectors were including this information on their own initiative, but the fact that there are no fields on the form requiring these items is a deficiency that should be addressed.

Airport inspectors are also required to provide detailed information regarding the reason for deferral on the Form I-546 so that the onward office may prepare for a deferred inspection prior to an individual's arrival. However, the Form I-546 for at least 53 (7 percent) of the 725 cases in our sample did not clearly state why individuals were deferred, what documents they were expected to produce to prove admissibility, or what actions (to be performed by the onward office) were needed to complete the inspection. When projected to our universe, at least 399 cases did not provide sufficient detail on the Form I-546 concerning the reason for deferral.

## **Accuracy of Information Provided to Affected Individuals**

We also tested whether the INS provided adequate information to the individuals who were granted a deferred inspection and determined that in many cases it did not. The addresses and hours of operation for deferred inspection units (onward offices) are contained in the IFM as distributed in the INS Easy Research Transmittal System (INSERTS) and are to be updated quarterly. However, many deferred individuals were

not given accurate reporting instructions. We found that the correct onward office address was given in only 413 (57 percent) of 725 cases in our sample. Furthermore, 69 individuals (about 10 percent) were told to report at times when deferred inspections were not performed, and 73 individuals (10 percent) were not given a specific time frame to report. Additionally, no phone numbers for any deferred inspection units were provided to deferred individuals. In our judgment, the reasons for inaccurate reporting instructions may be that INSERTS is not updated timely or inspectors are not using the most current information available.

## **Tracking Deferred Inspections**

The problem with relying solely on the I-546 as a tracking instrument is that a deferred inspection is a two-part process with responsibilities divided between the airport and the onward office. The problem is exacerbated by the fact that responsibility for tracking deferred inspections has not been clearly delegated to either of the two units involved. Airports must report only the number of deferred inspections granted, while onward offices are not required to report the number of inspections completed, the results of those completed inspections, or the number of no-shows. As a result, reliable information on the entire deferred inspection process does not exist.

According to the IFM, airports are required to maintain a log of all inspections deferred and to update this log when completed Forms I-546 are received. This log is to serve as a means for determining the status of deferrals. Unfortunately, this policy has largely been ignored. Of the nine airports reviewed, only five maintained a logbook. Even then most deferrals were not recorded in the logbook. None of the offices were consistently updating the logs to show the outcomes of deferred inspections.

Unlike airports, onward offices are not required to maintain a log. The lack of a requirement notwithstanding, eight of the nine onward offices we visited did maintain a log to record the Forms I-546 they received for at least part of our review period. Five onward offices used manual logs, while [REDACTED] created computer database logs. Despite the presence of a log, however, the Forms I-546 received were not always entered into the log and the outcome of completed deferred inspections was not always recorded.

Ultimately, the INS will have to adopt a technological solution to its tracking problem. In the absence of any service-wide movement in this area, some airports and onward offices have developed and implemented their own database tracking systems. Unfortunately, most of these systems are local in nature and cannot be accessed from other airports or district offices.

One such solution may be the Interagency Border Inspection System (IBIS), a database used to facilitate inspection of individuals applying for admission to the U.S.



Inspectors at airports already conduct IBIS database searches using name, date of birth, and/or passport number. Inspectors at the INS district offices also have access to IBIS.

While not part of the written policy in the IFM, all nine airports in our sample used IBIS to some extent to record the outcome of secondary inspection referrals, including deferred inspections. Of our 725 sample cases, 462 were entered into IBIS as deferrals. The IBIS database can be particularly useful in tracking deferred inspections on a service-wide basis because it creates a permanent record of a deferral that is accessible to secondary inspectors at any INS location.

██████████, which serves as its own deferred inspection unit, not only entered deferrals into IBIS at the time of deferral, but also did so when individuals appeared for their inspections. Similarly, in ██████ IBIS entries were made at the airport and were updated by the deferred inspections unit at the ██████████ when inspections were completed, or in some cases when individuals failed to appear. Since IBIS is a service-wide system, this information is accessible to any INS officer searching for information on a deferred individual. As such, it could provide for nationwide tracking of the deferred inspection process.

Simply put, the INS has no comprehensive tracking system in place for deferred inspections. The current system relies on a manual logbook of deferrals to be maintained at the airport and on the return of the completed onward office copy of the Form I-546 to the airport. Even under ideal circumstances, this system is cumbersome and problematic as it requires the INS inspectors to log the deferral, retain the airport copy of the Form I-546, update the log as completed Forms I-546 are returned, and then file the completed copy with that of the airport. Not only is this system labor intensive, it also fails to produce any type of useful record. Should a question arise regarding a deferral at a later date, inspectors would need to contact the deferring airport and hope the information was retained and could be located.

## **Conclusion**

INS Management has a responsibility to create an internal control process that provides reasonable assurance that controls are in place and functioning properly and operations are in compliance with applicable laws and regulations. However, at the INS we found a lack of oversight and controls in deferred inspections operations. Existing policies pertaining to deferrals have fostered inconsistencies throughout the deferred inspection process because they are ambiguous and incomplete.

Further, the manual method of tracking deferrals with airport logs and returned Forms I-546 is not being followed nor does it meet the needs of the INS to have information readily available. Not only does this create more work for both airport and onward office inspectors when the same individuals are re-deferred for administrative

issues, but inspectors also remain unaware of individuals with parole or immigration violations who attempt reentry. The INS cannot effectively manage the deferred inspection process until it has implemented a service-wide tracking and reporting system.

## **Recommendations**

We recommend that the Commissioner, INS:

4. Clarify current deferred inspection policies and procedures to eliminate inconsistencies in the preparation of the Form I-546 and the appropriate reasons for deferral.
5. Expand data captured on the Form I-546 to include such data as local address, phone number, date of birth, country of birth, and alien number.
6. Implement a service-wide automated tracking system for deferred inspections.
7. In the interim, use IBIS and establish policies and procedures to require that:
  - (a) Inspectors enter all secondary inspections resulting in a deferred inspection into IBIS and include, at a minimum, the office deferred to, date of inspection, and reason for deferral.
  - (b) Onward offices update IBIS with deferred inspection results and submit the completed Form I-546 to the alien file, in lieu of sending it to the deferring airport.
  - (c) Onward offices update IBIS when individuals fail to appear on their deferred inspection date.

### **3. INS OVERSIGHT OF THE DEFERRED INSPECTION PROCESS HAMPERED BY INACCURATE AND INCOMPLETE DATA**

Currently, the INS only collects and disseminates information regarding the number of deferred inspections granted, not the outcome of the inspections, or the number and profile of no-shows and related follow-up actions. The INS has database systems capable of capturing and reporting such information; however, the systems are not being utilized. As a result, INS management relied on deferred inspection reports that were incomplete and inaccurate. Because there is no mechanism currently in place for measuring the effectiveness of the deferred inspection process, management remains unaware of the potential risk factors associated with the process and, consequently, cannot make informed decisions to effect needed changes.

The Government Performance and Results Act (GPRA) provides for the establishment of strategic planning and performance measurement in the federal government. Agencies are required to include measurable goals for what will be accomplished during a fiscal year as compared to what was actually accomplished. We did not find any specific performance goals in place for evaluating the effectiveness of the deferred inspection process. We did note that the INS Program for Effectiveness and Continuous Tracking or “INSpect” teams led by the Office of Internal Audit performed inspections of airport and district offices. However, the programs developed for inspection of airport and district activities did not specifically address the deferred inspection process.

Title 8 U.S.C. § 103(d) requires the INS Commissioner to provide a system for the collection and dissemination of information useful in the evaluation of various immigration activities as they pertain to current immigration law. Included in the information to be provided is data about aliens paroled into the country, of which deferred inspections are a category.

As noted in Findings 1 and 2, the deferred inspection process has suffered from the absence of INS management oversight, as evidenced by the inconsistent and ineffective practices we encountered. We believe this was caused, in part, by the lack of meaningful information available to management concerning deferred inspections. Currently, the INS does not report on deferred inspection activities beyond the initial granting of the deferral. More significantly, the INS does not track the deferred inspection process electronically. Although there are systems capable of tracking deferred inspections through the entire process, the INS does not fully utilize them.

## **Performance Analysis System**

The primary system used for reporting deferred inspections granted is the Performance Analysis System (PAS), from which the G-22 Inspection Activity Report is generated. Inspectors at airports are required to report monthly inspection activity, including deferred inspection statistics, using the G-22 Inspection Activity Report. Airport inspectors provided monthly numbers of deferred inspections granted at the 62 airports with deferred inspection activity, which totaled 13,811 for the review period. However, preliminary fieldwork conducted at three airports revealed significant differences between the numbers of deferred inspections reported in PAS versus the on-hand count of deferrals. To determine the full extent of the differences, we requested that the INS perform a manual count of deferred inspections on hand for our period of review. The manual counts for the 62 airports totaled 10,665, for a difference of 3,146.<sup>10</sup>

Discrepancies between the G-22 Inspection Activity Report and the physical counts may be attributed to the requirements for preparing G-22 reports. Instructions were not specific as to what source should be used to determine the number of inspections deferred. The source most often used was IBIS. As noted in Finding 2, the IBIS database has the potential to provide the INS with an improved tracking system for monitoring the effectiveness of the deferred inspections process. In fact, airport inspectors are required to enter into IBIS all deferred inspection data, according to officials at INS headquarters. The problem, however, as noted in Finding 2, is that in only 462 (64 percent) of the 725 cases in our sample did inspectors enter data on deferred inspections into IBIS.

## **Nonimmigrant Information System**

In addition to the PAS database, the INS also collects data on deferred inspections in the Nonimmigrant Information System (NIIS), which is a mainframe system accessible to all INS offices. It stores arrival, departure, and ancillary information pertaining to certain nonimmigrant foreign nationals entering the U.S. INS management relies on the system to track the arrival and departure of nonimmigrant foreign nationals. Information for NIIS is primarily collected from Forms I-94, Arrival/Departure Records. INS inspectors retain the arrival portion of the Form I-94, which is then sent to a central location where the information is entered into the NIIS database. The NIIS database is also used to compile parolee information (which includes aliens paroled into the country via the deferred inspection process) for publication in the annual INS Statistical Yearbook.

We found that Forms I-94 were not issued, as required by the IFM, in 276 (38 percent) of the 725 cases in our sample. When projected to the universe of 7,443, this

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<sup>10</sup> The [REDACTED] had erroneously included expedited removals, withdrawals, and aliens taken into custody in its deferral count when reporting inspection activity, which accounted for part of the discrepancy.

indicates that in at least 2,594 deferrals, Forms I-94 were not issued and/or recorded. The accuracy of the NIIS data was further compromised by the fact that only 188 (42 percent) of 449 Forms I-94 issued were properly coded and entered into NIIS as a deferred inspection.

## **Conclusion**

INS management lacks the information necessary to monitor and evaluate the effectiveness of the deferred inspection process. One of the systems that may be best suited to provide management with the necessary information, the IBIS database, is underutilized in the deferred inspection process. Part of the problem lies in the fact that the G-22 inspection activity reporting requirements for deferred inspections do not specify the source to be used when compiling the number of inspections deferred and do not require data on the number and profile of no-shows and related follow-up activity. Without this information, INS management cannot readily detect deficiencies in the deferral process and, as a result, will remain unaware of actions needed to strengthen controls over deferred inspections.

## **Recommendations**

We recommend that the Commissioner, INS:

8. Revise G-22 inspection activity reporting requirements to specify the source document that should be used to report data, including at a minimum the number of inspections deferred and completed and the number of no-shows.
9. Expand INSpect reviews to include evaluating controls over the deferred inspection process.
10. Establish criteria and standards under GPRA principles to measure the performance and effectiveness of the deferred inspection process.
11. Clarify deferred inspection policies to eliminate inconsistencies in the issuance, coding, and updating of the Form I-94.

## **STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS**

We have audited the INS's administration of the deferred inspection process. The audit was conducted in accordance with Government Auditing Standards.

As required by the standards, we tested selected transactions and records to obtain reasonable assurance about the INS's compliance with laws and regulations that, if not complied with, we believe could have a material effect on operations. Compliance with laws and regulations applicable to the deferred inspection process is the responsibility of INS management.

An audit includes examining, on a test basis, evidence about laws and regulations. The specific requirements for which we conducted tests are contained in the United States Code, Title 8, §§ 1101, 1103, 1181, 1184, 1185, and 1225.

Except for those issues discussed in the Findings and Recommendation section of this report, nothing came to our attention that causes us to believe that INS management was not in compliance with the sections of the U.S. Code cited above.

**AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY**

**Audit Objectives**

The purpose of the audit was to evaluate the effectiveness of the INS's deferred inspections of aliens entering the U.S. through airports. Objectives were to determine if: (1) the deferred inspection process could be improved; (2) management controls and oversight were adequate; (3) inspectors followed established deferral procedures for granting and completing deferred inspection; and (4) inspectors took appropriate follow-up action when individuals did not show up for deferred inspections.

**Scope**

We performed the audit in accordance with Government Auditing Standards issued by the Comptroller General of the United States, and included tests and procedures necessary to accomplish the objectives. However, we may not be considered by others to be completely independent of the INS as required by the standards because the INS has reimbursed us for work that pertained to the INS fee-supported programs. Nonetheless, we consider ourselves independent and do not believe that our reimbursement arrangements with the INS had any effect with regard to our conduct of this audit.

The scope of the audit encompassed deferred inspection records for the period August 1, 1998 through July 31, 1999, and related follow-up conducted through January 2001 to determine final disposition of sample cases. Because the INS did not maintain a complete, current, or accurate database, we had INS conduct a manual count to determine total deferred inspections during the review period. Based on that count, the INS reported that there were 62 airport locations where inspectors deferred about 10,665 inspections. We relied on the computer-generated listings from the INS's IBIS, PAS and NIIS databases to support our conclusions. Our review showed that these databases were not always complete, current, or accurate. However, when these data are viewed in context with other available evidence, we believe the opinions, conclusions, and recommendations in this report are valid.

**Methodology**

To complete the audit, we performed the following procedures: (1) reviewed applicable laws, policies, regulations, manuals, and memoranda; (2) devised a statistical sampling plan, which included a statistical sample of 725 deferred inspections at international airports in the cities of [REDACTED]; (3) performed fieldwork at INS district offices in the aforementioned cities, including the testing of data,

processes, and controls and interviewing responsible officials; and (4) surveyed other INS offices with questionnaires and confirmation letters.



**DEFERRED INSPECTION POLICY**

The reasons for deferrals are listed below along with policies and procedures by immigration status (e.g., immigrant, legal permanent resident, nonimmigrant) and referenced to the Inspector's Field Manual (IFM), Inspectors Post Academy Training Program Manual (ITM), the Immigration and Nationality Act (INA), or the Code of Federal Regulations (CFR).

**Reasons for Granting Deferred Inspections and Specific Policies and Procedures**

The INA contains general provisions for deferring an inspection. According to 8 CFR § 235.2 (b), an examining immigration officer may defer the inspection if that officer has reason to believe that the alien can overcome a finding of inadmissibility by:

- posting a bond under INA § 213;
- seeking and obtaining a waiver under INA § 211 or 212(d)(3) or (4); or
- presenting additional evidence of admissibility not available at the time and place of the initial examination.

**Document Deficiency (e.g., no documents, expired documents, and incorrect classification)**

*Legal Permanent Resident (LRP) lacking documents*

An LRP arrives at an airport for inspection without documents or valid proof of immigration status. If an inspector is convinced that a returning resident is admissible (normally, because a clear record of current status exists in the Central Index System, but the subject cannot provide evidence of LRP status (i.e., Alien Registration Card), there are several actions which can be taken during the secondary inspection. Normally, the inspection may be deferred:

1. If the LRP states that he or she left the I-551, Alien Resident Card, at home and will be able to produce the requisite document within a few days, the inspector may defer the inspection per 8 CFR § 235.2.
2. If the subject's permanent alien registration has not yet been received or has been lost or stolen, the inspector is required to instruct the subject to file a Form I-90, Application for Replacement Alien Registration Receipt Card, and collect the fee.

Per the IFM, Chapter 13.2, inspectors are to require the applicant to prepare the form in duplicate; they are to endorse the reverse of both copies with their admission stamp and the notation "Admitted 211(b), to file I-90." Inspectors are to collect the fee and one copy of the I-90, routing the I-90 to the alien's "A-file." Then inspectors are to note the fee block on the other I-90, "duplicate-fee previously collected," and return it to the applicant, advising him or her to obtain proper photographs and submit the application to the nearest INS office within 30 days. If photographs are available, or camera equipment is available at the port-of-entry, no duplicate application is required; inspectors are to accept and forward the single I-90 for processing.

If the inspector believes that the individual can overcome a finding of inadmissibility by presenting additional evidence or from evidence that could be determined from a review of an alien file (A-File), the individual may be deferred per 8 CFR § 235.2 and the IFM, Chapter 13.2.

In the above instances, the inspector may issue a Form I-193, Application for Waiver of Passport and/or Visa, to the LPR pursuant to INA § 211(b). If applicable, the IFM, Chapter 17.5, instructs the inspector to collect a fee for the I-193. If the individual cannot pay the application fee at that time, the payment of the I-193 application fee may be deferred.

#### *Nonimmigrants (NI) lacking documents*

A nonimmigrant arriving at a port of entry who is not in possession of a passport valid for a minimum of six months, or is not in possession of a valid nonimmigrant visa (except those countries participating in the visa waiver pilot program) at the time of application for admission, is inadmissible per INA § 212(a)(7)(B).

In the above instances, the inspector may defer the inspection if there is a belief that the individual can overcome a finding of inadmissibility per 8 CFR § 235.2. If an Application for Waiver of Passport and/or Visa, Form I-193, pursuant to INA § 211 (b) is applicable, the inspector is instructed to collect the fee per the IFM, Chapter 17.5. If the individual cannot pay the application fee at that time, the payment of the fee may be deferred.

#### *Immigrants lacking documents*

Any immigrant at the time of application for admission resulting in a change of status who is not in possession of a valid document is inadmissible under INA §212(a)(7)(A)(I)(1). A valid document includes an unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by the INA,

and a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

In the above instances, the inspector may defer the inspection if there is a belief that the individual can overcome a finding of inadmissibility per 8 CFR § 235.2. If there is some minor document problem, the individual may be deferred to provide the missing information. In such instances, inspectors may not require the filing of the Form I-193.

### **Abandonment of Lawful Permanent Resident Status**

If a LPR is seeking admission and appears to have abandoned his or her permanent residence in the United States, the IFM Chapter 17.6 (d)(2), states that the inspection may be deferred.

1. Per the IFM, Chapter 13.1, a LPR who has been outside the U.S. for more than one year (two, if presenting a reentry permit), may have abandoned residence. The INS policy is to ask for other documentation to substantiate residence, such as driver's licenses and employer identification cards. If the LPR does not have any documentation at that time, then the inspector may defer the inspection so that the individual may subsequently present it to INS.
2. Per the ITM, inspectors are advised that if the returning LPR alleges that he/she has documentary evidence that establishes a permanent residence in the U.S., and could be furnished later, then the inspection may be deferred.
3. A LPR must be returning to an unrelinquished lawful permanent residence in the U.S. after a temporary absence abroad [8 CFR § 211.1(b)]. Per the IFM, inspectors are advised that if unforeseen circumstances cause an unavoidable delay in returning, the trip would retain its temporary character, so long as the alien intended to return as soon as his original purpose was completed. The alien must possess the requisite intention to return at the time of departure, and must maintain it during the course of the visit.
4. In the above instances, the inspector should consider issuing a Form I-193, Application for Waiver of Passport and/or Visa, and collect the fee pursuant to INA § 211(b) and Chapter 17.5 of the IFM. If the individual cannot pay the application fee at that time, the payment of the I-193 application fee may be deferred.

## **Non-Bonafide Nonimmigrants (suspicion of fraudulent documents, inappropriate visa)**

Nonimmigrants with improper documents are generally inadmissible. If a nonimmigrant alien in possession of a business visa to work and reside in the United States, did not have a valid labor certificate per INA § 212 (a)(5)(A), the inspector may defer the inspection if the alien can present additional evidence of admissibility pursuant to 8 CFR § 235.2. The inspector may also issue a Form I-193 and collect the fee.

## **Criminal Aliens Who May Be Inadmissible**

Any alien convicted of, or who admits to having committed acts that constitute the essential elements of a crime involving moral turpitude is inadmissible under INA § 212 (a)(2)(A)(i)(I). Additionally, any alien convicted of a violation of any law or regulation of a State, the U.S., or a foreign country relating to controlled substance is inadmissible under INA § 212 (a)(2)(A)(i)(II). Any alien convicted of two or more offenses, regardless of whether the conviction was in a single scheme of misconduct and regardless of whether the offenses involved moral turpitude, for which the aggregate sentences were 5 years or more under INA § 212 (a)(2)(B) is inadmissible.

## **Possible False Claim of US Citizenship**

Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under the INA or any other federal or state law is deemed removable from the U.S. per the INA § 212 (a)(6)(C)(ii). The granting of a deferred inspection is normally not an option. However, per 8 CFR § 235.2, the inspector has the discretion to defer the inspection if the inspector believes that the individual can overcome a finding of inadmissibility.

## **Lookout Intercepts**

The granting of a deferred inspection is normally not an option when an alien is identified in the lookout system; however, there may be instances when an individual claims to be wrongfully identified as the lookout person. Federal, state, or local agencies can post lookout intercepts. Lookout postings are initiated against individuals who are inadmissible under one or more of the provisions of INA § 212 (a), as well as for individuals with outstanding warrants of arrest. If the inspector believes the individual can overcome a finding of inadmissibility by presenting additional evidence or from evidence that could be determined from a review of an alien file (A-File), the individual may be deferred per 8 CFR § 235.2.

## **Posting of Bonds**

An alien is inadmissible pursuant to INA § 212(a)(4), if there is a likelihood that the individual will become a public charge. Under INA § 213, an alien may be admissible if a sponsor posts a suitable bond, or an affidavit of support is obtained, or the alien has sufficient personal funds or has a certified offer of employment.

## STATISTICAL SAMPLING MODEL

The statistical sampling universe for our model was defined as INS deferred inspections (sampling units) at nine air ports of entry (POE) [REDACTED].

The deferrals issued at these airports represented 70 percent of all deferrals granted during the period covered by our audit. The defined universe contained 7,443 deferred inspections (sampling units), and our sample test results were projected only to our defined universe. Our model did not contain the deferred inspections at foreign airports or smaller domestic airports (representing 30 percent of deferred inspections), and we did not project specific results to those airports. Nevertheless, in our judgment, the policy recommendations contained in this report are appropriately addressed to the deferred inspection process taken as a whole because: (1) our coverage was substantial, and (2) even in the unlikely event that no errors existed in small or foreign airports, the statistically computed error rate would still be significant.

Because the number of deferred inspections varied widely from POE to POE, we used a stratified random sampling method to provide effective coverage of the units and to obtain precise estimates of the characteristics tested. Each unit was tested for multiple characteristics, which we term as discrete variables involving nominal measures. Thus each unit was tested for multiple variables. Statistical analysis was conducted on the test results of twelve variables. Two of these twelve variables were nested in another variable. Statistical estimates of the totals and the 95 percent confidence intervals were computed on all variables, except the nested variables.<sup>11</sup> On the nested variables, the estimated number of items was computed using the formula (C) below. We present both lower and upper 95 percent confidence limits on the expected total number by using the formulas (A) and (B) given below.

From the universe of 7,443 units we tested a random sample of 725 units (a sampling fraction of 9.74 percent). The randomly sampled units were spread across all nine air POEs, which were considered for the sampling universe. The sample test results were projected to the universe of 7,443 deferred inspections.

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<sup>11</sup> Nested random variables depend on the event occurrence of another random variable. As such, sample selection probabilities of the nested variables are not available. Consequently, we computed estimated values for the occurrences of the events of these variables assuming the event-occurring rate of the nested variables within the sample and the universe is similar.

The table below provides the details of the test results and projections for the random variables tested. Following the table are the mathematical model notations, and formulas used to compute the estimates of expected values and variances.

### Test Results and Projections for the Random Variables Tested

Question (Variable Tested)		Answer (Results of Test)	Instances in the Random Sample of 725	% of Instances in the Random sample of 725	Projection at 95% Lower Confidence Limit <sup>12</sup>	Projection at 95% Upper Confidence Limit <sup>13</sup>
1.	Did individual appear for the deferred inspection?	YES	500	69.0%		
		NO	79	10.9%	652	979
		DOCUMENTATION LACKING	146	20.1%	1311	1724
2.	Did I-546 indicate that INS retained individual's documentation?	YES	382	52.7%		
		NO	198	27.3%	1787	2245
		DOCUMENTATION LACKING	145	20.0%	1338	1688
3.	Was onward office address accurate on I-546?	YES	413	57.0%		
		NO	168	23.2%	1499	1908
		DOCUMENTATION LACKING	144	19.9%	1327	1678
4.	Was date (day of the week) accurate on I-546?	YES	576	79.4%		
		NO	17	2.3%	93	248
		DOCUMENTATION LACKING	132	18.2%	1197	1554
5.	Was the time accurate on I-546?	YES	442	61.0%		
		NO	69	9.5%	565	860
		DOCUMENTATION LACKING	141	19.4%	1294	1648
		TNS	73	10.1%	576	857
6.	Was the completed onward office copy of the I-546 on file at the POE?	YES	112	15.4%		
		NO	613	84.6%	6147	6499

Continued . . .

<sup>12</sup> This is the most conservative projection at the 95% confidence level. In other words, the projected number of instances is *at least* that many in the universe. We use the most conservative projection throughout the body of the audit report.

<sup>13</sup> This projection is provided for information purposes. The projected number of instances is *at most* that many in the universe.



Table Continued

Question (Variable Tested)		Answer (Results of Test)	Instances in the Random Sample of 725	% of Instances in the Random sample of 725	Projection at 95% Lower Confidence Limit	Projection at 95% Upper Confidence Limit
7.	Is there evidence that "deterrents" were used?	YES	172	23.7%		
		NO	337	46.5%	3185	3636
		DOCUMENTATION LACKING	216	29.8%	2121	2409
8.	Was case listed on IO95 summary report	YES	462	63.7%		
		NO	263	36.3%	2454	2939
9.	Did the I-546 specifically state what was needed to complete inspections?	YES	528	72.8%		
		NO	53	7.3%	399	662
		DOCUMENTATION LACKING	144	19.9%	1326	1679
10.	Was a Form I-94 issued to individuals for deferral at the POE?	YES	449	61.9%		
		NO	276	38.1%	2594	3043
	If form I-94 was issued, indicate the disposition as recorded in NIIS:	ITEMS WITH "DE"	188	41.9%		
		ITEMS WITH "DT"	247	55.0%	ESTIMATED VALUE 398	
		ALL OTHER ITEMS	14	3.1%	ESTIMATED VALUE 23	
	If form I-94 was issued, was NIIS Updated?	YES	25	5.6%		
		NO	424	94.4%	ESTIMATED VALUE 684	

## Mathematical Model Notations and Formulas Used to Compute the Estimates of Expected Values and Variances

The mathematical model notations, and formulas used to compute the unbiased estimates of expected values, totals, and the variances are as follows.

$H$  The number of strata

$N_h$  The number of units in the stratum  $h$ , where  $N = \sum_h N_h$

$n_h$  The number of units sampled from the stratum  $h$

$\frac{n_h}{N_h} = f_h$  The sampling fraction in the stratum  $h$

$y_{hij}$  Random variable  $j$  corresponding to  $i^{th}$  sampled item from the  $h^{th}$  stratum

$$y_{hijk} = \begin{cases} 1 & \text{if the randomly selected unit } i \text{ in the stratum } h \text{ has the value of} \\ & \text{type } k \text{ for random variable } j \\ 0 & \text{otherwise} \end{cases}$$

$$\sum_k y_{hijk} = 1 \quad \forall \quad h, i, j$$

$n_{hjk}$  The number of units with value of type  $k$  for the variable  $j$  in the stratum  $h$

$$n_{hjk} = \sum_{i=1}^{n_h} y_{hijk}$$

$\hat{Y}_{jk}$  Estimate of the total number of items of type  $k$  in the universe corresponding to the  $j^{th}$  variable

$p_{hjk}$  Sample proportion of hits of  $k^{th}$  type of the  $j^{th}$  variable in the  $h^{th}$  stratum

$$\bar{y}_{hjk} = \frac{\sum_{i=1}^{n_h} y_{hijk}}{n_h}$$

$$\hat{Y}_{jk} = \sum_h N_h \bar{y}_{hjk}$$

To compute the variance of the estimate  $\hat{Y}_{jk}$  the formulas used are as follows.

$$s_{hjk}^2 = \frac{1}{n_h - 1} \sum_{i=1}^{n_h} (y_{hijk} - \bar{y}_{hjk})^2$$

$$V(\hat{Y}_{jk}) = \sum_h N_h (N_h - n_h) \frac{s_{hjk}^2}{n_h}$$

The 95% lower confidence limit on the estimate is given by

$$\hat{Y}_{jk} - 2 * \sqrt{V(\hat{Y}_{jk})} \quad (A)$$

and 95% upper confidence limit on the estimate is given by

$$\hat{Y}_{jk} + 2 * \sqrt{V(\hat{Y}_{jk})} \quad (B)$$

To estimate rates in nested environment, we used the following formulas.

Let  $k_2$  type for a variable  $j_2$  is nested in the  $k_1$  type of the variable  $j_1$ . Then the estimated number of occurrences of the type  $k_2$  for the variable  $i_2$  is given by the following formula.

$$\hat{Y}_{j_2 k_2} = N \left( \frac{\sum_h \sum_i (y_{hij_2 k_2})(y_{hij_1 k_1})}{\sum_h N_h \left[ \sum_i (y_{hij_2 k_2})(y_{hij_1 k_1}) / n_h \right]} \right) \quad (C)$$

RESULTS OF CRIMINAL HISTORY QUERIES

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

**APPENDIX V**



JUL 30 2001

U.S. Department of Justice  
Immigration and Naturalization Service


HQOIA 110/8.2-C

Office of the Commissioner

425 I Street NW  
Washington, DC 20536

JUL 18 2001

MEMORANDUM FOR GUY K. ZIMMERMAN  
ASSISTANT INSPECTOR GENERAL FOR AUDIT  
DEPARTMENT OF JUSTICE

FROM: Kevin D. Rooney   
Acting Commissioner  
Immigration and Naturalization Service

SUBJECT: Immigration and Naturalization Service's Deferred Inspections at Airports

I appreciate the opportunity to comment on the subject draft report and solicited input from the senior management officials who are most significantly impacted -- the Executive Associate Commissioner for Field Operations and Acting Executive Associate Commissioner for Programs. I reviewed the responses and concur with the corrective actions planned. Most of the recommendations require policy and procedure development and approval; therefore, these corrective actions need six months for development and completion. The responses are attached for your review.

If you have any questions, please contact Kathleen Stanley, Audit Liaison, at (202) 514-8800.

Attachments (2)

cc: Vickie L. Sloan, DOJ Audit Liaison



U.S. Department of Justice  
Immigration and Naturalization Service


JUL 30 2001

Office of the Executive Associate Commissioner

425 I Street NW  
Washington, DC 20536

JUN 15 2001

MEMORANDUM FOR THE ACTING COMMISSIONER

FROM: Michael D. Cronin   
Acting Executive Associate Commissioner  
Office of Programs

SUBJECT: The Immigration and Naturalization Service's  
Deferred Inspections at Airports

On May 21, the Office of the Inspector General (OIG) provided a draft report on the Immigration and Naturalization Service's (INS) deferred inspections at airports. The audit assessed whether: (1) the deferred inspection process could be improved; (2) management controls and oversight were adequate; (3) inspectors followed established deferral procedures for granting and completing deferred inspections; and (4) inspectors took appropriate follow-up action when individuals did not show up for deferred inspections. The audit found the following deficiencies: (a) nearly 11 percent of individuals paroled into the country under the deferred inspections process failed to appear for the completion of their inspection; (b) there are inadequate procedures in place to ensure that individuals who fail to appear are either brought in to complete their inspection or are appropriately penalized for failing to do so; (c) there are inadequate controls in place to determine the effectiveness of the deferred inspection process or the number of individuals deferred and the outcome of those inspections; and (d) INS does not fully utilize established database systems to capture and report the occurrences and outcomes of deferred inspections.

**RECOMMENDATION 1:** Establish policies and procedures for inspectors to follow when dealing with individuals with criminal records, to include fingerprinting and retaining travel documents as well as posting of bonds, if warranted.



Subject: The Immigration and Naturalization Service's Deferred Inspections at Airports

**INS RESPONSE: Concur.** The Office of Inspections will review current policies and procedures that inspectors follow when dealing with individuals with criminal records, and will modify these policies and procedures to clarify the actions to be taken and to identify the aliens with criminal records whose inspection may be deferred. This effort is expected to take approximately six months. Upon completion, the updated policy and procedures will be disseminated to the field.

**RECOMMENDATION 2:** Establish policies and procedures to follow when individuals fail to appear for their deferred inspection. Such procedures should ensure that lookout-operating instructions include the posting of individuals who fail to appear.

**INS RESPONSE: Concur.** The Office of Inspections will establish policies and procedures for inspectors to follow when individuals fail to appear for their deferred inspection, and will also review its lookout posting instructions to ensure that those who fail to appear are entered into the appropriate systems. This effort is expected to take approximately six months. Upon completion, guidelines and instructions will be disseminated to the field.

**RECOMMENDATION 4:** Clarify current deferred inspection policies and procedures to eliminate inconsistencies in the preparation of the Form I-546 and the appropriate reasons for deferral.

**INS RESPONSE: Concur.** The Office of Inspections will review and clarify policies and procedures that inspectors are to follow when preparing Form I-546 and will ensure that deferred inspection practices are consistent. Specifically, clear guidelines for the preparation of the Form I-546, including appropriate reasons for the deferral, will be established. This effort is expected to take approximately six months. Upon completion, guidelines and instructions will be provided to the field.

**RECOMMENDATION 5:** Expand data captured on the Form I-546 to include such data as local address, phone number, date of birth, country of birth, and alien number.

**INS RESPONSE: Concur.** The Office of Inspections will review the current Form I-546 and initiate steps required to expand the form to capture local address, phone number, date of birth, country of birth, and alien number. The revised form will contain instructions for completing the new form. This effort is expected to take approximately six months to complete. The INS will provide a copy of the new form to the OIG when the revision is complete.

Subject: The Immigration and Naturalization Service's Deferred Inspections at Airports

**RECOMMENDATION 6:** Implement a Service-wide automated tracking system for deferred inspections.

**INS RESPONSE: Concur in part.** The Office of Inspections will pursue implementation of a Service-wide automated tracking system for deferred inspections pending funding for system planning, development and implementation. This type of tracking system will be incorporated into the Inspections 2000 system. It is unknown how long this effort will take.

**RECOMMENDATION 7:** In the interim, use IBIS and establish policies and procedures to require that: (a) Inspectors enter all secondary inspections resulting in a deferred inspection into IBIS and include, at a minimum, the office deferred to, date of inspection, and reason for deferral. (b) Onward offices update IBIS with deferred inspection results and submit the completed Form I-546 to the alien file, in lieu of sending it to the deferring airport. (c) Onward offices update IBIS when individuals fail to appear on their deferred inspection date.

**INS RESPONSE: Concur in part.** The Office of Inspections will seek to incorporate the recommended information into the IBIS system once the feasibility and cost of these changes are determined. Requests for changes to the current system will be submitted to the technical division of the U.S. Customs Service. Due to funding issues and the need for interagency coordination, it is unknown how long these changes might take to implement. We will report to the OIG within six months with additional information and a timeline for completion of this recommendation.

**RECOMMENDATION 8:** Revise G-22 inspection activity reporting requirements to specify the source document that should be used to report data, including at a minimum the number of inspections deferred and completed and the number of no-shows.

**INS RESPONSE: Non-Concur.** The Office of Inspections believes this is unnecessary because the newly revised Report of Field Operations Inspections G-22 tracks the recommended information; however, it is not being properly completed by field offices. The Office of Inspections will include in the revised deferred inspection policy a reiteration of the data to be collected and procedures for completing the G-22, which will allow the recommended tracking of aliens' deferred inspection. This effort is expected to take approximately six months.

**RECOMMENDATION 10:** Establish criteria and standards under GPRA principles to measure the performance and effectiveness of the deferred inspection process.

**INS RESPONSE: Concur.** The Office of Inspections will develop a standard using GPRA principles to measure the performance and effectiveness of the deferred inspection process. This process is expected to take approximately six months to complete.

Memorandum for the Acting Commissioner

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Subject: The Immigration and Naturalization Service's Deferred Inspections at Airports

**RECOMMENDATION 11:** Clarify deferred inspection policies to eliminate inconsistencies in the issuance, coding and updating of the Form I-94.

**INS RESPONSE: Concur.** The Office of Inspections will clarify in the revised deferred policy the proper actions to take in the issuance of Form I-94 to aliens whose inspection is deferred, as well as proper coding and updating of the form.

In addition, the Office of Inspections will work closely with the Office of Field Operations to ensure that whatever policy is developed addresses the above noted deficiencies. We anticipate it will take approximately six months for these policies and procedures to be developed or modified.

The point of contact for this response in the Office of Inspections is Floyd Sam Farmer, Assistant Chief Inspector, (202) 305-8153.





U.S. Department of Justice  
Immigration and Naturalization Service

HQOPS 70/22

Office of the Executive Associate Commissioner

425 I Street NW  
Washington, DC 20536

JUL 6 2001

MEMORANDUM FOR THE ACTING COMMISSIONER

FROM: *for* Michael A. Pearson  
Executive Associate Commissioner  
Office of Field Operations

SUBJECT: The Immigration and Naturalization Service's Deferred Inspections at Airports

On May 21, 2001, the Office of the Inspector General (OIG) provided a draft report on the Immigration and Naturalization Service's Deferred Inspections at Airports. The audit assessed whether: (1) the deferred inspection process could be improved; (2) management controls and oversight were adequate; (3) inspectors followed established deferral procedures for granting and completing deferred inspections; and (4) inspectors took appropriate follow-up action when individuals did not show up for deferred inspections. The audit found the following deficiencies: (a) nearly 11 percent of individuals paroled into the country under the deferred inspections process failed to appear for the completion of their inspection; (b) there are inadequate procedures in place to ensure that individuals who fail to appear are either brought in to complete their inspection or are appropriately penalized for failing to do so; (c) there are inadequate controls in place to determine the effectiveness of the deferred inspection process or the number of individuals deferred and the outcome of those inspections; and (d) INS does not fully utilize established database systems to capture and report the occurrences and outcomes of deferred inspections.

**RECOMMENDATION 3:** Follow-up on those individuals cited in Appendix IV of this report.

**INS RESPONSE: Concur.** In the four cases in which INS took follow-up action the INS will ensure that the District has created a lookout record. The remaining cases the INS will work through the Regions and Districts to determine what steps should be taken to close out the cases.

This action should be completed by September 30, 2001.

**RECOMMENDATION 9:** Expand INSpect reviews to include evaluating controls over the deferred inspection process.

**INS RESPONSE: Concur.** In order to include deferred inspections at airports in the INSpect review, the following policies and procedures will need to be developed or modified: (1) policies and procedures for inspectors to follow when dealing with individuals with criminal records; (2) policies and procedures to follow when individuals fail to appear for their deferred inspection, to include procedures for posting of individuals who fail to appear in the look-out system; (3) eliminate inconsistencies in the preparation of the Form I-546 and the appropriate reasons for deferral; (4) expand data captured on the Form I-546 to include data as local address, phone number, date of birth, country of birth, and alien number; (5) establish policies and procedures to require the use of IBIS for tracking deferred inspections from inception to completion; (6) revise the G-22 inspection activity reporting requirements to specify the source document that should be used to report data, including at a minimum the number of inspections deferred and completed and the number of no-shows; and (7) clarify deferred inspection policies to eliminate inconsistencies in the issuance, coding, and updating of the Form I-94. The Office of Field Operations will work closely with the Office of Programs to ensure that whatever policy is developed, it addresses the above noted deficiencies. We anticipate it will take approximately 6 months for these policies and procedures to be developed or modified. In the meantime, the Office of Inspections will begin preliminary work with the Office of Internal Audit on the modification of the INSpect guide. We anticipate that it will take approximately 1 month after final policy and procedures are approved to incorporate changes into the INSpect guide.

The POCs in Field Operations are Jennifer Sava or Patrice Ward at (202) 307-1942 or (202) 514-0964 respectively.

## APPENDIX VI

### OFFICE OF THE INSPECTOR GENERAL, AUDIT DIVISION ANALYSIS AND SUMMARY OF ACTIONS NECESSARY TO CLOSE REPORT

The INS response to the audit (**Appendix V**) describes the actions taken or planned to implement our recommendations. This appendix summarizes our response and the actions necessary to resolve and close the report.

#### Recommendation Number:

1. **Resolved.** In its response, the INS stated that it would need approximately six months to review existing policies and procedures, then modify and disseminate to inspectors in the field updated policies and procedures that clarify actions to be taken when dealing with individuals with criminal records. In order to close the recommendation, please provide the OIG the revised policies and procedures upon completion.
2. **Resolved.** The INS stated that it would need approximately six months to establish policies and procedures for individuals who fail to appear for their deferred inspection, and to revise policies and procedures for lookout posting to ensure that the names of these individuals are entered into the appropriate systems. In order to close the recommendation, please provide the OIG these policies and procedures upon completion.
3. **Resolved.** The INS stated that follow-up action for the individuals identified as either charged or convicted of aggravated felonies who did not appear for their deferred inspections would be completed by September 30, 2001. In order to close the recommendation, please provide the OIG the results of these actions.
4. **Resolved.** In its response, the INS stated that it would need approximately six months to review and clarify policies and procedures to ensure that information provided on the deferral Form I-546 from district to district is both consistent and clearly stated. In order to close the recommendation, please provide the OIG the revised policies and procedures upon completion.
5. **Resolved.** The INS stated that it would need approximately six months to revise the Form I-546 and instructions for its preparation requiring inspectors to provide additional data when granting deferred inspections. In order to close the recommendation, please provide the OIG the revised form and instructions upon completion.

6. **Unresolved.** In its response, the INS stated that it would pursue the funding for the development and implementation of an automated tracking system for deferred inspections, but did not know how long the process would take from the time funding was approved through implementation. Prior to pursuing funding for the development and implementation of a new system, the INS should determine whether IBIS will meet its long term needs for tracking deferred inspections. If the INS concludes that a new system is required, to resolve the recommendation please provide the OIG with the justification for the proposed system and the projected timetable from development through deployment.
7. **Unresolved.** The INS stated that it would have to determine the feasibility and costs of the recommended system changes, request funding, and conduct interagency coordination for the desired changes. The INS further stated that it would report to the OIG within six months with additional information and a timeline for completion. The INS's conducting of a feasibility study and determining the cost of the recommended changes are not necessary because we are recommending "Service-wide" implementation of practices already performed at the [REDACTED]. In order to resolve the recommendation, please provide the OIG a timetable for establishing and implementing the necessary changes to current policies and procedures governing utilization of IBIS for deferred inspections.
8. **Resolved.** Although the INS did not concur with our recommendation, we are resolving this recommendation based on the INS' statement that it has revised the G-22, and that the revised report is now capable of tracking the recommended information, but that inspectors in field offices were not properly completing the report. The INS said that it would reiterate to the field offices the data to be collected and procedures for completing the G-22 report. In order to close the recommendation, please provide the OIG the revised policies and procedures to include the requirement for the reporting of the number of deferred inspections both granted and completed, the number of no-shows, and the source documents from which the data is to be taken. Additionally, please provide us with the policy directive to the field offices reemphasizing reporting requirements upon its issuance.
9. **Resolved.** The INS stated that it would need approximately six months to develop or revise the recommended policies and procedures over deferred inspections. Also, the INS said that an additional month would be needed to incorporate changes into the "INSpect guide." In order to close the recommendation, please

provide the OIG with the revised policies and procedures and guide upon completion.

10. **Resolved.** The INS stated that it would need approximately six months to establish criteria and standards to measure the performance and the effectiveness of the deferred inspection. In order to close the recommendation, please provide us with the criteria and performance measures when completed.
11. **Resolved.** In its response, the INS stated that it would need approximately six months to revise policies and procedures clarifying the recommended actions for inspectors to take when issuing Forms I-94 to aliens whose inspection has been deferred, as well as prescribed coding and updating of the form. In order to close the recommendation, please provide the OIG with the revised policies and procedures upon completion.